

ADVERSE REPORT JAN 22 2002

Entered - 11/13/01 - sb
CL01L0721 - DIANNE C. MITCHELL

02- R -0011

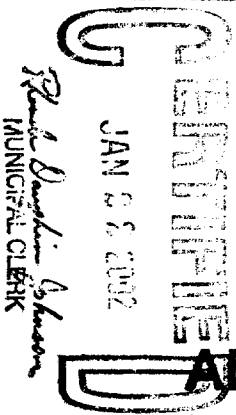
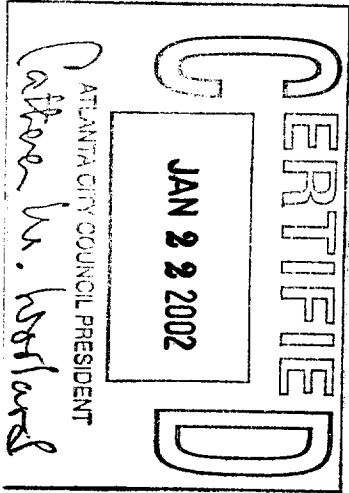
CLAIM OF: ENNIS JACKSON,
through her attorney,
Gary Pelphrey
109 Anderson Street, Suite 100
Marietta, Georgia 30060

For damages alleged to have been sustained as a result of personal injuries during an arrest on January 5, 2000 at 1465 Almont Drive, SW.

THIS ADVERSED REPORT IS APPROVED

CONSENT AGENDA

BY: Rosalind R Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY



ADVERSE REPORT

COMM: P.S.L.A.

DATE: 1-15-02

CHAIR: _____

H. L. Davis

Robert C. C. C. C.

E. T. Martin



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

January 29, 2002

Gary Pelphrey
Attorney at Law
109 Anderson Street
Suite 100
Marietta, GA 30060

02-R-0011

RE: Ennis Jackson

Dear Attorney Pelphrey:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on January 22, 2002. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0721

Date: November 20, 2001

Claimant /Victim ENNIS JACKSON
BY: (Atty) Gary Pelphrey
Address: 109 Anderson Street, Suite 100, Marietta, Georgia 30060
Subrogation: Claim for Property damage \$ Bodily Injury \$ **500,000.00**
Date of Notice: 10/26/01 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 01/05/00 Place: 1465 Almont Drive, SW
Department Police Division:
Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges she was injured when she was arrested by police. The claim as presented does not comply with the requirements of notice as set forth in O.C.G.A. §36-33-6, the six month statute of limitations expired to receipt of the claim.

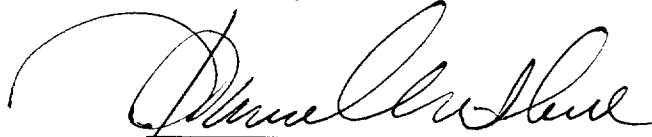
INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures Diagrams Reports: Police X Dept Report Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial
Improper Notice More than Six Months X Other Damages reasonable
City not involved Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,



INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager: Concur/date 11-21-01
Committee Action: Council Action

RCS# 3405
1/22/02
1:28 PM

Atlanta City Council

Regular Session

CONSENT

Pages: 1 through 9

ADOPT

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

YEAS: 15
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT

01/22/02 Council Meeting

**ITEMS ADOPTED ON
CONSENT AGENDA**

1. 02-O-0085
2. 02-R-0003
3. 02-R-0007
4. 02-R-0008
5. 02-R-0009
6. 02-R-0036
7. 02-R-0038
8. 02-R-0010
9. 02-R-0031
10. 02-R-0032
11. 02-R-0033
12. 02-R-0034
13. 02-R-0094
14. 02-R-0095
15. 02-R-0096
16. 02-R-0097

**ITEMS ADVERSE ON
CONSENT AGENDA**

17. 02-R-0011
 18. 02-R-0012
 19. 02-R-0013
 20. 02-R-0014
 21. 02-R-0015
 22. 02-R-0016
 23. 02-R-0017
 24. 02-R-0018
 25. 02-R-0019
 26. 02-R-0020
 27. 02-R-0021
 28. 02-R-0022
 29. 02-R-0023
 30. 02-R-0024
 31. 02-R-0025
 32. 02-R-0026
 33. 02-R-0027
 34. 02-R-0028
 35. 02-R-0029
 36. 02-R-0030
 37. 02-R-0098
 38. 02-R-0099
 39. 02-R-0100
 40. 02-R-0101
 41. 02-R-0102
 42. 02-R-0103
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